

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
v.                           )                              Court No. 05-11818-RWZ  
                                )  
TERRENCE J. JOYCE,         )  
                                )  
Defendant.                 )  
                                )

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO STRIKE AND TO  
DISMISS FOR FAILURE TO SHOW A VIABLE CAUSE**

The United States of America (hereinafter the "plaintiff") hereby opposes the motion filed by Terrence J. Joyce (hereinafter the "defendant") to strike the Certificate of Indebtedness and to dismiss the complaint for failure to show a "viable cause." The Court should deny the defendant's motion as it is without merit. The defendant sets forth no legal grounds in support of his motion.

The purpose of the plaintiff's inclusion of a recital of the defendant's bankruptcy proceedings in the Certificate of Indebtedness was to offer proof that Joyce had previously admitted the existence of the HEAL loan debt and failed in his attempt to have this debt discharged by the United States Bankruptcy Court.

WHEREFORE, the United States respectfully requests that Joyce's motion to strike the Certificate of Indebtedness and to dismiss denied.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorneys

MICHAEL J. SULLIVAN  
United States Attorney

Dated: November 15, 2005 By: /S/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney  
John Joseph Moakley Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3303

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a true copy of the above-document was served by first class mail, postage prepaid, upon the *pro se* defendant at the following addresses:

Terrence J. Joyce  
30 Fort Meadow Drive  
Hudson, MA 01749

Dated: November 15, 2005 /s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney